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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/605,276	09/19/2003	TUNG-YU CHEN	10656-US-PA	2275	
31561 7.	590 09/07/2004		EXAMINER		
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE			TRAN, THIEN F		
7 FLOOR-1, N	IO. 100 ROAD, SECTION 2		ART UNIT	PAPER NUMBER	
TAIPEI, 100	•		2811		
TAIWAN			DATE MAILED: 09/07/2004	1AILED: 09/07/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	
	10/605,276	CHEN ET AL.	
Office Action Summary	Examiner	Art Unit	
	Thien F Tran	2811	
The MAILING DATE of this communication Period for Reply	appears on the cover sheet w	ith the correspondence add	ress
A SHORTENED STATUTORY PERIOD FOR RETHE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, - If NO period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by so any reply received by the Office later than three months after the rearned patent term adjustment. See 37 CFR 1.704(b).	ON. R 1.136(a). In no event, however, may a n. a reply within the statutory minimum of thi eriod will apply and will expire SIX (6) MOI statute, cause the application to become A	reply be timely filed rty (30) days will be considered timely. NTHS from the mailing date of this com BANDONED (35 U.S.C. § 133).	nmunication.
Status			
1) Responsive to communication(s) filed on _	•		
	This action is non-final.		
3) Since this application is in condition for all closed in accordance with the practice unc	owance except for formal mat	•	merits is
Disposition of Claims			
 4) Claim(s) 1-18 is/are pending in the application 4a) Of the above claim(s) is/are with 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-18 are subject to restriction and 	ndrawn from consideration.		
Application Papers			
9) The specification is objected to by the Exar	miner.		
10) The drawing(s) filed on is/are: a)	accepted or b) objected to	by the Examiner.	
Applicant may not request that any objection to	the drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the co	· ·		• •
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority document of the priority document of the priority document of the certified copies of the application from the International But * See the attached detailed Office action for a second of the certified copies of the attached detailed Office action for a second of the certified copies of the attached detailed Office action for a second of the certified copies of the attached detailed Office action for a second of the certified copies of the attached detailed Office action for a second of the certified copies of the attached detailed Office action for a second of the certified copies of the attached detailed Office action for a second of the certified copies of the attached detailed Office action for a second of the certified copies of the certified copies of the attached detailed Office action for a second of the certified copies of the attached detailed Office action for a second of the certified copies of the certified copies of the attached detailed Office action for a second of the certified copies of the certified copies of the attached detailed Office action for a second of the certified copies of	nents have been received. nents have been received in A priority documents have beer ureau (PCT Rule 17.2(a)).	Application No received in this National S	stage
Attachment(s)			
Notice of References Cited (PTO-892)	·	Summary (PTO-413)	
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SI Paper No(s)/Mail Date 	7	(s)/Mail Date Informal Patent Application (PTO	152)

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 13-18, drawn to a semiconductor device, classified in class 257, subclass 734.
- II. Claims 1-12, drawn to process for making semiconductor devices, classified in class 438, subclass 22+.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of the group I invention would not necessarily imply unpatentability of the method of the group II invention, since the device of the group I invention could be made by processes different from those of the group II invention. For example, forming a nano-particle layer on a selected area for a contact on the first conductive layer and forming a dielectric layer on the exposed first conductive layer except on the nano-particle layer.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Art Unit: 2811

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

This application is further restricted because it contains claims directed to the following patentably distinct species of the claimed invention:

Species 1: a structure having a metallic nano-particle layer

Species 2: a structure having a silicon nano-particle layer.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 13 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien F Tran whose telephone number is (571) 272-1665. The examiner can normally be reached on 8:30AM - 5:00PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie C Lee can be reached on (571) 272-1732. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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August 31, 2004

THIENTRAN
PRIMARY EXAMINER